IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929

Crl.Rev.Pet.No. 3428 of 2007()

CRA.738/2006 of ADDL.SESSIONS COURT (ADHOC), KOTTAYAM
CC.1057/1999 of JUDL. MAGISTRATE OF FIRST CLASS, CHANGANACHERRY

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REVN. PETITIONER: APPELLANT/ACCUSED

JOHN KURIEN, AGED 52
S/O.KURIEN, KUTTIKKAL HOUSE
PARUTHUMPARA, PATHIYAPALLY BHAGOM
VELLUTHUTUTHY, PANACHIKADU,
KOTTAYAM DIST.

BY ADV. SRI.P.A.MOHAMMED SHAH

RESPONDENTS: RESPONDENTS/COMPLAINANT

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.M.NAZAR
SRI.KISHOR B.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 20/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Crl. R.P. No. 3428 OF 2007 C

Dated this the 20th day of November, 2007

O R D E R

In this revision filed by the accused in C.C.1057/99 on the file of JFCM, Changanacherry, the revision petitioner challenges the conviction entered and the sentence passed against him by the JFCM, Changanacherry in C.C.1057/99 as confirmed in Crl.Appeal No.738/06 on the file of Additional Sessions Judge, Adhoc-I, Kottayam.

2. The revision petitioner stands convicted under section 420 read with section 34 IPC for having cheated nine persons including the de facto complainant. Pending this revision, the revision petitioner has compounded the offence as against nine persons. Crl.M.A.11416/07 is a petition filed by the revision petitioner and signed by seven out of the aforementioned nine persons for recording the composition and acquitting the revision petitioner. The said petition has been signed by the revision petitioner as well as the aforementioned seven persons, who were allegedly cheated,

and also by their respective counsels. The composition is recorded.

3. Subsequently, the revision petitioner compounded the offences with two of the remaining persons, namely Binu K. Mathew(the de facto complainant) and Santhosh Philip. Crl.M.A. Nos.12198/07 and 12199/07 are the petitions filed for recording the composition as against Santhosh Philip and Binu K. Mathew. The composition is recorded. In view of the recording of the aforesaid composition, the same will have the effect of an acquittal under section 320(8) Cr.P.C. of the offence punishable under section 420 IPC. Crl.M.A.12200/07 filed for impleading two of the persons, who were cheated, is dismissed as unnecessary.

This Crl.R.P. is disposed of as above recording the composition.

(V. RAMKUMAR, JUDGE)

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